

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

JAN LUNDQUIST	:	CIVIL ACTION
	:	
v.	:	No. 11-14
	:	
ASPLUNDH TREE EXPERT, CO., et al.	:	

**Appearances**

**K. Rick Alvis, Esquire**

**Vincent A. Colianni, II, Esquire**

*For Plaintiff Jan Lundquist*

**Simone D. Francis, Esquire**

**David J. Cattie, Esquire**

*For Defendant Asplundh Tree Expert, Co.*

**JUDGMENT**

**Sánchez, J.**

AND NOW, this 14th day of June, 2012, the issues having been tried, and the jury having rendered a verdict finding (1) Defendant Asplundh Tree Expert, Co. (Asplundh) and settling tortfeasor Junior Thomas were negligent; (2) Plaintiff Jan Lundquist suffered \$140,000.00 in damages; (3) Asplundh was comparatively responsible for 60% of such damages; and (4) Thomas was comparatively responsible for 40% of such damages, it is hereby

ORDERED AND ADJUDGED Lundquist is awarded \$84,000.00 on her negligence claim against Asplundh.<sup>1</sup>

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<sup>1</sup> Although Asplundh is jointly and severally liable for the total damages amount pursuant to V.I. Code Ann. tit. 5 § 1451, this amount is reduced by the comparative share of damages attributable to Thomas because he and Lundquist previously settled Lundquist's negligence claim against him. *See* Restatement (Third) of Torts: Apportionment of Liab. § 16 (2000). Therefore, the total damage amount of \$140,000 for which Asplundh is liable is reduced by 40%, resulting in an award of \$84,000.

JUDGMENT is entered in favor of Lundquist and against Asplundh in the amount of \$84,000.00.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, J.